

(G.C.P.)J 455 (5,00,000)-11.2001)

Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.6588 OF 2006

Office Notes, Office Memoranda
of Coram, appearances, Court's
order or directions and
Registrar's order.

Court's or Judge's orders

Shri Umesh Mankapure for the petitioners.

CORAM: R.M.S.KHANDEPARKAR, J

DATED: 7th October, 2006.

P.C.

. Considering the concurrent findings by the Courts below about the fact that the the land bearing Survey No.197 belonging to the petitioner is situated adjacent to old Kadepur-Pusesawali Road, and all other plots of the petitioner are contiguous to each other and through which the petitioner can have access or the road without stepping in the land of the neighbouring owners, the question of grant of additional access through the other's properties does not arise, and therefore, no fault can be found with the concurrent findings arrived at by the Courts below. There is no

jurisdictional error on the part of the Courts below in dismissing the claim for access through the other's properties, inspite of already having such access through the petitioners' property itself, and hence it does not warrant interference in writ jurisdiction. The petition is, therefore, rejected.

(R.M.S.KHANDEPARKAR, J)